

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LEPORIAN DAVIS-STONE,

Plaintiff,

Case No. 1:20-cv-11529

v.

Honorable Thomas L. Ludington
United States District Judge

LAWRENCE EDWARDS,

Defendant.

Honorable Elizabeth A. Stafford
United States Magistrate Judge

/

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, DISMISSING PLAINTIFF'S
CLAIMS WITHOUT PREJUDICE, AND OVERRULING OBJECTION AS MOOT**

On October 26, 2022, Magistrate Judge Elizabeth A. Stafford issued a report and recommendation (R&R) recommending granting Defendant's Motion for Summary Judgment and dismiss Plaintiff's Complaint without prejudice. ECF No. 25 at PageID.234.

The R&R states that Plaintiff could object to and seek review of the R&R within 14 days of service. But Plaintiff's objections, dated one day too late and postmarked three days too late, are untimely. *See* ECF No. 26. Because Plaintiff did not timely file objections, he has waived his right to appeal Judge Stafford's findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Stafford's Report and Recommendation, ECF No. 25, is **ADOPTED**; Defendant's Motion for Summary Judgment, ECF No. 19, is **GRANTED**; Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE**; and Plaintiff's Objection, ECF No. 26, is **OVERRULED AS MOOT**.

This is a final order and closes the above-captioned case.

Dated: November 21, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge